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TESTIMONY OF CONGRESSMAN BARNEY FRANK

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SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

COMMERCIAL FISHING VESSEL SAFETY

Thank you, Mr. Chairman, for scheduling this important hearing, and for giving me the opportunity to testify. As the Representative in Congress of the Greater New Bedford, Massachusetts area, which has been the top earning fishing port in America for the last six years, I am very aware of the concerns within the industry. In the coastal region I represent, and indeed in much of the New England commercial fishing industry, improving safety is a very high priority. I am delighted to be joined at this hearing by an important representative of that industry, Ms. Deb Shrader, the Director of Shore Support, Inc, a New Bedford based organization that focuses on shoreside aspects of fishing, with a particular focus on fishing families.

Fishermen and their families have of course never had any doubts about the dangers involved in commercial fishing, but the point was driven home for many other people in New England, following the 2004 sinking of the fishing vessel Northern Edge, and the more recent losses of the Lady of Grace and Lady Luck. We can't change the fact that fishing is an inherently dangerous way of making a living, but it is incumbent upon us, as policy makers, to do all we can to try to reduce the dangers.

We took an important step in that direction with the enactment in last year's Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of a provision (Section 104(a)(5)) requiring safety to be more explicitly considered as fishery management measures are developed. This new provision should help reduce the incidence of fishery regulations that inadvertently compromise safety. The responsibility for developing the fishery regulations will continue to lie with the Regional Fishery Management Councils and the National Marine Fisheries Service (NMFS). However, it will be important for the Coast Guard to work more closely with the Councils and NMFS in order to ensure that safety is given the maximum consideration in the early stages of development of fishery regulations.

In addition, there are a number of safety enhancements that the Coast Guard can adopt on its own, along with others that require cooperation with NMFS and the Councils, and I have described those that I believe are the most important below. I recently hosted a public forum on fishing safety in New Bedford, where participants offered a number of useful suggestions

for inclusion in the Coast Guard Authorization bill that the subcommittee will soon begin shaping. The concepts described below emerged in part from the ideas presented at the forum.

Safety Training. I strongly believe the Coast Guard should on an ongoing basis establish a fully funded voluntary program aimed at conducting safety training in fishing ports around the country. The City of New Bedford, with \$100,000 in funding through a NOAA grant supplemented by \$50,000 of the city's own funds, recently sponsored several safety training days, in association with the Coast Guard and local non-profits. This initiative was enthusiastically supported by the industry, and participation rates were very high. However, this effort was conducted on an ad hoc basis, and, rather than providing this type of training in the future by means of individual grant funding, I would like to see a national program, funded at \$3 million annually, perhaps with a required local match along the lines of the contribution from the City of New Bedford. A key part of this initiative would involve the creation of an on-line registry of those who participate and receive a certificate of participation, with a requirement that they periodically -- on the order of every 3 -- 5 years -- take the training again. This approach would encourage the hiring of those who have received appropriate safety training, and, even though it would be voluntary, if the recent New Bedford experience is a guide, it would be likely to cover most of those active in the industry.. It would also be vital to ensure that the training is offered in languages other than English, appropriate to each port.

Coast Guard Input on Fishery Management Measures

As described above, it is crucial that the Coast Guard offer its safety expertise early in the process of developing fishery management regulations. It is my understanding that it is common for the Coast Guard to offer its comments on safety when regulations are under consideration by the full Fishery Management Councils, at which point it is highly unlikely that major changes can be made. I believe it would be preferable for the Coast Guard to consult on an active basis with the Council committees that have the prime responsibility for initial development of management measures, in order to ensure that safety input can actually inform the regulations or facilitate the development of alternatives that are less likely to lead to safety problems. In addition, it may make sense to expand the role of the Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) so that it can provide guidance that is more regionally oriented and thus more useful in development of specific regulations by the Councils. An expanded role in this context for either the Coast Guard or CFIVSAC will require more funds, and I urge the committee to include funding for this purpose in the authorization bill.

Expansion of Dockside Inspection Drills.

The Coast Guard currently provides, on a mandatory basis, dockside inspection for all vessels operating in fisheries that require observers. The inspections are provided free of charge, and are valid for two years. I believe that this program should be expanded to cover all federally permitted vessels, regardless of whether they are active in observer fisheries, and that additional funding, if necessary, should be provided to accomplish this goal. Other than a possible lack of financial resources, I don't believe there is any justification for requiring this inspection for vessels that may carry observers, and not for others.

Vessel Monitoring Systems.

Vessel Monitoring Systems (VMS), publicized originally as both enforcement and safety mechanisms, have proven to be inadequate for the latter, primarily because the technology does not allow for consistent real time data. In particular, several participants in the New Bedford safety forum explained that delays in transmission and false negatives currently made the system impractical for safety use. However, I believe it is clear that VMS has potential value as a supplement to other safety features. Accordingly, I recommend the establishment of a working group composed of Coast Guard and NMFS representatives, as well as outside entities that are knowledgeable about the industry and the technology, to determine how VMS can be modernized so that it can play a useful safety role.

Research.

I urge the establishment of a national safety research program to provide grants to academia, the private sector and fishing non-profit organizations in order to develop new or improved emergency equipment, boat designs, icing and weather detection technology and the like. I believe a robust research program could be created at a level of \$2 million annually, and I urge the committee to strongly consider including this idea in the reauthorization bill.

Safety Standards for Smaller Vessels.

Fishing vessels above 79 feet in length are required to meet stability and watertight integrity standards. Smaller vessels have no such requirement, yet, at least in New England, they are now often going further from shore in part because of the more restrictive fishery management measures that have been imposed. I believe that similar stability and watertight requirements should apply to vessels in the 50 – 79 foot range. I understand that the Coast Guard is working on proposals that would move in this direction, and I urge the adoption of regulations to carry this out as soon as practicable. I would add that such regulations should allow for some variation regionally, to reflect the regional differences in the kinds of fishing, types of gear, weather and other factors that apply.

Logging of Monthly Drills.

Fishing vessels are currently required to conduct monthly safety drills, but the drills are not required to be logged. I believe it would be appropriate to require that these drills be logged and that the log be preserved for an appropriate period of time.

Thank you again, Mr. Chairman, for the opportunity to testify. I look forward to working closely with you and the other members of the panel to improve safety in the commercial fishing industry as the Coast Guard legislation moves forward. I would be pleased to answer any questions about my testimony or fishing safety in general.